

claim 1 (whether in the previously presented or the currently amended form). Consequently, the rejection against claim 1 under 35 U.S.C. 102(b) as being anticipated by Fischer et al. should be withdrawn and, in the absence of further rejections, claim 1 should be allowed. Furthermore, claims 2 and 3 should be allowed because they depend on the presumably allowable claim 1.

The newly presented claim 128 (with dependent claims 129 and 130) recites “grooves that are imprinted into said surface” but omits the attribute that the grooves are radially directed. The feature that the grooves in the housing are imprinted or impressed is specifically supported, e.g., in the description of Figure 9 on page 87, line 17 of the specification. Fischer et al., on the other hand, does not mention how the meandering channels are to be produced on the inside of the torque converter housing. Thus, the feature that the grooves are imprinted on the inside of the torque converter housing is new in relation to Fischer et al.

Claims 121 and 122 stand rejected under 35 U.S.C. 102(b) as being anticipated by Walth et al. (US 5,738,198). The rejection is based on the Examiner's attempt to read claim 121 of the present application on the combination of certain features recited in claim 1 of the Walth et al. reference. Specifically, the Examiner found that "Walth discloses a method of cooling the hydrokinetic torque converter as recited in claim 1, by establishing at least one path for the flow of fluid between the chambers by way of the clutch, at least in the partly engaged condition of the clutch (column 1); and regulating the flow of fluid along the at least one path in dependency upon the friction torque between said driving and driven components (channel 24 provides an inherent means for regulating fluid flow. As the friction torque of the clutch changes the viscosity of the fluid changes causing the speed of the fluid to change, and therefore causing the fluid flow to be regulated through channel 24). "

Applicants respectfully disagree with the Examiner's interpretation of the Walth et al. reference. First of all, where the Examiner finds that claim 1 of Walth et al. discloses a method of cooling, it is respectfully noted that the word "cooling" does not

even appear in claim 1 of Walth et al., but the aspect of cooling is covered in the specification of Walth et al. However, even though Walth et al. does mention cooling, the present application is strongly distinguished from Walth et al. by the fact that claim 121 requires the step of “regulating the flow of fluid along the at least one path in dependency upon friction torque between friction surfaces of said driving and driven components”. It is made very clear, for example on page 34, line 6 to page 35 line 11 of the present application, that the term “regulating” in the context of the present application means an **active** intervention in the flow of fluid, such as “increasing the rate of fluid flow when the clutch operates with slip and reducing such rate when the clutch operates without slip”. To stress this feature even more strongly, applicants propose to amend claim 121 to recite “actively regulating”, which is supported, e.g., by the aforementioned passage of the specification and introduces no new matter in the application.

In contrast, Walth et al. ('198) uses only passive measures, i.e., “at least one fluid flow restricting portion which determines the rate of fluid flow between said compartments along said at least one path.” (see claim 1 of '198). The meaning of “flow restricting portion” is illustrated, e.g., in Figures 2-4 of Walth et al., showing flow restricting portions 29 with a length 30 (see col. 8, lines 48-50). It needs to be emphasized that the flow restricting portion 29 in Walth et al. is a **passive** element which does not actively regulate a flow of coolant dependent on the magnitude of a friction torque between friction surfaces, but merely has the function of a constant throttle where the fluid flow is determined by an existing pressure differential between the inflow side and the outflow side of the friction surface.

Claim 121 (as currently amended) recites the step of of “actively regulating the flow of fluid along the at least one path in dependency upon friction torque between friction surfaces of said driving and driven components”. As described in the application, the friction torque in the bypass clutch according to the invention is not held constant. Rather, the intent is to use partial or gradual modes of clutch engagement as means to improve the driving comfort of the vehicle. Among other possibilities, the fluid

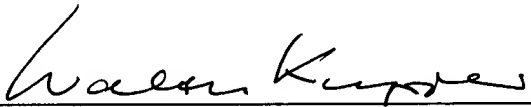
flow can be actively regulated by varying the pressure levels in the fluid medium. In contrast, applicants respectfully maintain that Walth et al. lacks any kind of feature that could be compared to the step of "actively regulating the flow of fluid along the at least one path in dependency upon friction torque between friction surfaces of said driving and driven components", as recited in claim 121 (currently amended) of the present application. Therefore, Walt et al. (US 5,738,198) fails to meet the criteria for anticipating claim 121 (at least as currently amended). Consequently, the rejection against claim 121 under 35 U.S.C. 102(b) as being anticipated by Walth et al. should be withdrawn and, in the absence of further rejections, claim 121 should be allowed. Furthermore, claim 122 should be allowed by virtue of its dependency on the presumably allowable claim 121.

Applicants respectfully submit that all issues of the Office Action of December 3, 2003 have been appropriately addressed by the foregoing amendment and remarks. Allowance of the present application with claims 1-3, 121, 122, and 128-130 is hereby earnestly solicited.

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Respectfully submitted,

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Attachment: Petition for one-month extension of time with requisite fee